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TO AMEMBASSY BRUSSELS PRIORITY

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TAGS: EAIR, BE

SUBJECT: CIVAIR: US-BELGIUM BILATERAL TALKS

REF: STATE 038790

1. AFTER FOUR SESSIONS OF FORMAL TALKS AND TWO PRIVATE MEETINGS BETWEEN CHAIRMAN, US-BELGIUM CIVAIR CONSULTATIONS ENDED WITHOUT AGREEMENT ON FEBRUARY 20.

2. US CHAIRMAN WALDMANN - AND AFTER FIRST SESSION STYLES - ATTEMPTED WITHOUT SUCCESS TO FOCUS TALKS ON FREEDOM COMPOSITION OF SABENA'S TRAFFIC AND TO REACH A MUTUALLY ACCEPTABLE AGREEMENT ON APPROPRIATE LEVELS OF SABENA'S CAPACITY

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IN US-BELGIUM MARKET. BELGIAN CHAIRMAN VANDERPERREN RES-

PONDED TO THESE ATTEMPTS WITH REPEATED REHEARSALS OF NOW WELL-KNOWN BELGIAN ARGUMENTS AND POSITIONS PRESENTED DURING FIRST ROUND OF CONSULTATIONS IN BRUSSELS; VIZ: SIXTH FREEDOM IS NOT DEFINED IN THE CIVAIR BILATERAL, AND SABENA'S "SECONDARY" TRAFFIC IS CONSISTENT WITH THE BILATERAL; SABENA WOULD REDUCE CAPACITY VOLUNTARILY IF IT WERE PERSUADED THERE WILL BE DECLINE IN TRAFFIC WHICH IT IS NOT. THE US SHOULD NOT SEEK TO CURTAIL SABENA'S TRAFFIC FURTHER WHEN ICELANDIC AIRLINES' SECONDARY TRAFFIC THROUGH

LUXEMBOURG (WHICH IS NATURAL BELGIAN PRIMARY MARKET) APPROACHES 100 PERCENT; THE US SHOULD NOT SEEK TO CURTAIL SABENA WHEN IT PERMITS THE AIRLINES OF COUNTRIES WITH SMALLER POPULATIONS AND GNP'S TO OPERATE AT HIGHER LEVELS OF SERVICES TO MULTIPLE POINTS IN THE US; THE US SHOULD NOT DISCRIMINATE AGAINST SABENA BY DENYING IT A SECOND GATEWAY IN THE US; AND FINALLY, THE TALKS SHOULD CENTER ON A NUMBER OF QUESTIONS INCLUDING PAN AM'S SECONDARY TRAFFIC AND CHARTER OPERATIONS FROM WHICH US SUPPLEMENTAL CARRIERS DERIVE GREAT BENEFIT.

3. USDEL RESPONDED TO THESE POINTS TO EFFECT THAT THE PURPOSE OF THE CONSULTATIONS WHICH WERE REQUESTED BY US WAS SIXTH FREEDOM COMPOSITION OF SABENA'S TRAFFIC AND ADVERSE EFFECT THIS HAD IN TURN ON US CARRIER. UNLESS BELGIAN SIDE ACCEPTED CONCEPT OF SIXTH FREEDOM IT WOULD BE IMPOSSIBLE TO ADDRESS LEGITIMATE US CONCERNS AND REACH ANY AGREEMENT. USDEL ARGUED FURTHER THAT WHILE SABENA MAY BE WILLING TO MAKE REDUCTIONS IN CAPACITY IN RESPONSE TO MARKET CONDITIONS, THESE REDUCTIONS DO NOT ADDRESS QUESTION OF SIXTH FREEDOM COMPONENT OF TRAFFIC. WITH RESPECT TO OTHER BELGIAN POINTS, USDEL ARGUED THEY WERE LARGELY IRRELEVANT TO PRESENT CONSULTATIONS. CHARTERS ARE SUBJECT OF US-BELGIUM CHARTER AGREEMENT - NOT THE AIR TRANSPORT BILATERAL. WHAT HAPPENS IN THIRD COUNTRIES IS NOT THE PROPER SUBJECT OF BILATERAL CONSULTATIONS ALTHOUGH USDEL POINTED OUT THAT IN CASE OF LUXEMBOURG, BELGIUM WOULD BE FACED WITH SAME PROBLEM IF LUXEMBOURG HAD ITS OWN NATIONAL CARRIER OFFERING BELOW IATA FARES. SO FAR AS COUNTRIES WITH SMALLER POPULATIONS LIMITED OFFICIAL USE

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AND GNP WERE CONCERNED, THE AIRLINES OF THESE COUNTRIES HAD HIGHER LEVELS OF PRIMARY TRAFFIC.

4. IN PRIVATE SESSION US CHAIRMAN INDICATED THAT LEVEL OF 11 SABENA WEEKLY NONSTOPS, OR ALTERNATIVELY, A COMBINATION OF 10 NONSTOPS AND 2 ONE STOPS VIA MONTREAL WOULD BE ACCEPTABLE TO US. VANDERPERREN SAID HIS INSTRUCTIONS DID NOT PERMIT HIM TO ACCEPT ANY REDUCTION IN THE LEVEL OF

SABENA FREQUENCIES FROM THE PRESENT 14. BELGIAN
EMBOFF PAEMAN WAS MORE SPECIFIC IN THIS CONNECTION AT
RECEPTION EVENING FEBRUARY 18. HE TOLD SEVERAL MEMBERS
USDEL THAT GOB WOULD BE POLITICALLY UNABLE MAKE ANY CON-
CESSIONS TO US UNTIL DUTCH DID.

5. IN PAN AM-SABENA TALKS WHICH PRECEDED GOVERNMENT
TALKS, PAN AM FIRST PROPOSED SABENA REDUCE TO 7 747
FLIGHTS PER WEEK. SABENA REJECTED THIS BUT SAID IT WOULD

BE WILLING OPERATE ONE OF ITS 14 FLIGHTS VIA MONTREAL
IF THERE WERE 5 PERCENT DECLINE IN TRAFFIC AND 2 VIA
MONTREAL IF THERE WERE 10 PERCENT DECLINE. PAN AM
COUNTERPROPOSED 11 NONSTOPS OR 10 NONSTOPS PLUS 2 VIA
MONTREAL FOR SUMMER SEASON; AND 7 NONSTOPS PLUS 2 VIA
MONTREAL FOR WINTER SEASON. SABENA, AFTER REFERRING THIS
PROPOSAL TO BRUSSELS, SAID IT COULD NOT ACCEPT.

6. JOINT STATEMENT ISSUED AT CONCLUSION OF CONSULTATIONS
TRANSMITTED REFTEL. KISSINGER

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